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Industry Submissions on Alcohol in the Context of Australia's Trade and Investment Agreements: A Content and Thematic Analysis of Publicly Available Documents

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1 **Industry submissions on alcohol in the context of Australia's trade and investment**
2 **agreements: a content and thematic analysis of publicly available documents**

3

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27

1 **Abstract**

2 *Introduction and Aims.* Alcohol use is a leading risk factor for death and disability,
3 responsible for three million deaths in 2016. The alcohol industry is a powerful player in
4 shaping trade and investment rules in ways that can constrain the ability of governments to
5 regulate alcoholic beverages in order to reduce harm. This paper analyses publicly available
6 submissions about alcohol in the context of Australia’s free trade agreements to determine the
7 key themes put forward by industry

8
9 *Design and Methods.* We searched for submissions made to the Department of Foreign
10 Affairs and Trade by alcohol industry trade associations, alcohol manufacturers, distributors
11 and retailers, general industry association, and government agencies with responsibilities for
12 alcohol trade, about specific free trade agreements involving Australia. Thirty-one
13 submissions in relation to eight trade agreements were included for analysis. Analysis
14 involved both descriptive content analysis and thematic analysis.

15
16 *Results.* Findings suggest that industry is actively seeking to shape trade negotiations around
17 alcohol. Priority issues for the industry include improving market access, harmonising
18 regulation, improving clarity and transparency, reducing the burden of regulation and
19 preventing monopolies on product names.

20
21 *Discussion and Conclusion.* The alcohol industry and associated business and government
22 organisations are actively working to influence trade agreement negotiations for industry
23 economic gain, arguing for rules which may undermine public health goals. The analysis
24 suggests that public health experts should pay attention to trade and investment agreements
25 and develop counter frames to ensure agreements do not create barriers for coherent health
26 policies.

27
28 **Keywords:** Alcohol, trade and investment agreements, industry, public policy, public health
29

1 **Introduction**

2 Alcohol use is a leading risk factor for death and disability, responsible for three million
3 deaths in 2016 [1]. Alcohol causes a range of chronic illnesses including cancer and
4 cardiovascular disease, as well as short-term harms such as injury and overdose, and is
5 involved in many harms to others [1,2]. Despite the magnitude of harms, there remains
6 difficulty in regulating and restricting alcohol, with many of the most effective and cost-
7 effective alcohol policies [3] not implemented across the globe. This is, in part, due to the
8 global alcohol industry, which exerts influence over policy-making processes with the
9 economic interests of industry at the forefront. The 10 largest producers of alcohol globally
10 now sell over 50% of the world’s alcohol [4]. This market concentration has led to significant
11 benefits for industry, creating opportunities for economies of scale in production and
12 marketing, disseminating technical advances from more to less-developed countries, and
13 enabling an increase in international trade [5].

14
15 Alcohol industry actors exert their power and influence to impact the policy making
16 process [6-9]. Studies have shown multiple pathways through which this occurs, including
17 through framing arguments in certain ways to influence policy debates. (e.g. placing
18 emphasis on individual-level responses to alcohol harm and downplaying the effectiveness of
19 population-level approaches, which are more restrictive of industry), and through building
20 relationships with policy-makers [7]. This paper will focus on the way in which the alcohol
21 industry utilises trade and investment agreements to influence policy. Over the last decade,
22 for example, the alcohol industry has attempted to deter countries from implementing
23 innovative mandatory labelling rules for alcohol containers increasingly through trade and
24 investment agreements [10]. Proposals to the World Trade Organization (WTO) for alcohol
25 warning labels between 2010 and 2018 by multiple governments including Thailand, Kenya,
26 Israel and Mexico have faced opposition from other countries in the WTO’s Technical
27 Barriers to Trade Committee [11]. While these counterarguments are not raised directly by
28 industry, rather by governments, they reflect the arguments the industry makes in other
29 forums. Additionally, the alcohol industry has lobbied for the use of supplementary labels,
30 whereby health information required by the importing country is displayed on an additional
31 label where placement and design is determined by industry, rather than it being included as
32 part of the evidence-based standard labels on the container. This has led to the incorporation
33 of supplementary labelling rules in a number of recent trade agreements including the

1 Comprehensive and Progressive Agreement on Trans-Pacific Partnership (CPTPP) [12] and
2 the recently concluded trade agreement between the US, Mexico and Canada [13].
3

4 There have been very few studies documenting the activities of the alcohol industry in
5 relation to trade policy development and free trade agreements (FTA). Zeigler [14] reviewed
6 documentary evidence from a range of sources and found that the distilled spirits industry
7 was actively involved in seeking to influence trade policy through numerous industry
8 associations. The alcohol industry also participated in business coalitions that sought to
9 influence trade policy. Strategies for influence included direct representation at WTO
10 Ministerial meetings, participation in trade advisory committees in the US, and lobbying
11 particular trade agreements [14]. To date, there has been no research describing the rules
12 relating to alcohol which industry actors are asking governments to include in FTAs and the
13 arguments which they make to attempt to influence policy makers. However, this type of
14 research has previously been used to explore the lobbying efforts of the food industry [15].
15 Overall, there is a need for further research into how industry actors exert influence over the
16 alcohol policy process [16].
17

18 This paper analysed publicly available submissions made to Australia's Department
19 of Foreign Affairs and Trade (DFAT), who lead the whole-of-government approach in
20 Australia to negotiating FTAs. The aim was to identify the rules which industry actors ask the
21 Australian Government to include in its FTAs, the types of arguments they make in support
22 of their demands, and how these arguments are framed. It is important to understand this as
23 the supply and availability of alcohol are influenced by rules in FTAs, and a body of research
24 demonstrates that the availability of alcohol and outlet density is associated with increased
25 harms [17]. FTAs have also been found to significantly increase trade in new alcoholic
26 products [18] and studies have shown that different alcoholic beverages bring different levels
27 of risk from both short [19] and long-term harms [20]. Additionally, alcohol labelling rules
28 and the spread of these rules through FTAs can make it more difficult for countries to
29 introduce best-practice labelling.
30

31 Industry submissions to public consultation processes form an important source of
32 evidence that has been used in a number of previous studies of alcohol industry influence on
33 policy [21-24]. These studies suggest that submissions are an important lobbying strategy for
34 the alcohol industry and a vehicle for opposing effective public health regulation and making

1 claims to governments to counter public health arguments [24]. The industries with an
2 interest in the manner in which alcohol is treated in FTAs extend beyond a narrow definition
3 of the ‘alcohol industry’ in terms of alcohol trade associations, producers, distributors and
4 retailers. This study also covers business associations which include alcohol industry
5 membership, as well as government agencies whose statutory responsibilities include the
6 promotion of some part of the alcohol industry.

7
8 The paper is guided by the following research questions:

- 9 1. What types of rules has the industry argued that Australia should seek to include in its
10 FTAs?
- 11 2. What arguments have been made by the industry in support of the inclusion of these
12 rules in FTAs and how are these arguments framed?
- 13 3. Which industry bodies have made submissions?
- 14 4. What evidence have industry bodies used in their submissions?
- 15 5. Which other forums, industry associations or trade agreements are referred to in
16 industry submissions in support of its arguments?
- 17 6. Are there variations in these industry submissions between different FTAs?

18 **Methods**

19 ***Document identification and collection***

20
21 In August 2019, we extracted a list of all FTAs to which Australia is party and current
22 trade negotiations in which Australia was engaged DFAT website. Twenty-two agreements
23 were identified, of which 11 were currently in force, four were signed but not yet in force and
24 seven were under negotiation – see Table 1.

25
26 [Insert table 1]
27

28 For these agreements, we systematically searched for submissions to DFAT made as
29 part of its public submissions processes. We then excluded agreements where no submissions
30 were publicly available (n=10); agreements that were negotiated under the WTO (n=1); and
31 agreements where there were no submissions from an alcohol industry association, an alcohol
32 industry producer, distributor or retailer, a business association with alcohol industry
33 membership, or a statutory agency with a mandate in relation to an alcoholic beverage (n=3).
34 This left eight agreements, listed in Table 2. For these eight agreements, inclusion criteria for

1 submissions were that they were authored by an alcohol industry association, producer,
2 distributor or retailer, or by an alcohol-related statutory body, or a business association with
3 alcohol industry membership or whose submission(s) included one or more of the words
4 ‘wine’ ‘spirit*’, ‘beer’, ‘brandy’, ‘liquor’ or ‘alcohol.’ A total of 31 submissions were
5 included. A list of the agreements and the associated submissions is at Table 2.

6
7 [Insert table 2]
8

9 *Data analysis*

10 We undertook both content and thematic analysis of the 31 submissions using Excel
11 to extract data. Content analysis involved documenting the nature of the submissions, the
12 topics covered, other forums or agreements mentioned, and the types of evidence used to
13 support arguments. In addition to providing an overview of the nature and content of the
14 submissions, the content analysis sought to answer research questions 1 through 6 (set out
15 above).

16
17 We used inductive thematic analysis as described by Braun and Clarke [25], a method
18 for identifying, analysing and reporting themes within data. First, two authors (MM and DG)
19 developed an initial set of codes for the thematic analysis based on independent review of a
20 subset of submissions made in relation to two agreements, one bilateral agreement (the
21 China-Australia Free Trade Agreement) and a large regional agreement (the CPTPP). These
22 codes were discussed and agreed between the two authors and the data extraction spreadsheet
23 constructed accordingly. Two authors then used the spreadsheet to code a set of six
24 submissions. The spreadsheet and coded data were discussed amongst the research team and
25 the spreadsheet refined. Each submission was then coded by MM and one other team
26 member. A common set of agreed criteria were used by coders and coding results were
27 discussed to ensure consistency. The thematic analysis sought to answer research questions 2
28 and 6 set out above.

30 **Results**

31 *Content analysis*

32 Results of the content analysis are in Tables S1, S2 and S3. Of the 31 submissions,
33 55% (n=17) were made by business associations with alcohol industry membership or that
34 referenced alcohol in their submissions, 26% (n=8) by alcohol industry associations, 17%

1 (n=5) from government statutory bodies, and 3% (n=1) from the alcohol production,
2 distribution or retail sectors.

3 The length of submissions varied from one to 112 pages, with the average being 14
4 pages. Most submissions were made during ongoing negotiations, with 10% (n=3) made in
5 advance of negotiations to scoping or feasibility studies about the agreements. One
6 organisation made three submissions to submission processes for three different trade
7 agreements.

8 Seventy-seven percent (n=24) of submissions were explicitly in favour of the trade
9 agreement under negotiation, with 19% (n=6) not explicit about their position. Fifty-eight
10 percent (n=18) of submissions mentioned wine or brandy, 16% (n=5) mentioned spirits and
11 10% (n=3) mentioned beer.

12 The most commonly mentioned themes were: elimination of tariffs (taxes applied to
13 imports), mentioned in 61% (n=19) of submissions; reduction or elimination of non-tariff
14 barriers (which may include quotas, embargoes, sanctions and levies as well as ‘behind the
15 border’ regulatory barriers), mentioned in 55% (n=17) of submissions; streamlining customs
16 procedures (including certification of product origin), mentioned in 51% (n=16) of
17 submissions; food standards (composition/sanitary certificates/maximum residue levels),
18 mentioned in 35% (n=11) of submissions; and labelling requirements, mentioned in 32%
19 (n=10) of submissions.

20 Of the submissions, 39% (n=12) did not use evidence to support their claims. Of those
21 that used evidence (n=19), 79% (n=15) used private industry data which was primarily trade
22 and investment related statistics. Sixteen percent of submissions (n=3) used personal or
23 anecdotal evidence and 5% used alcohol consumption data (n=1). None used scholarly public
24 health peer reviewed evidence.

25 The majority of submissions (65%, n=20) did not mention other forums for
26 harmonisation or cooperation, while a minority referred to international forums such as the
27 World Customs Organisation, the World Trade Organisation, the Codex Alimentarius
28 Commission and the World Wine Trade Group.

1 **Results**

2 *Thematic analysis*

3 Five key themes relevant to alcohol were identified from the submissions: (i)
4 improving market access; (ii) harmonising regulation; (iii) reducing the burden of regulation;
5 (iv) improving clarity and transparency; and (v) preventing monopolies on product names.

6
7 *Improving market access*

8 Market access was a prominent theme across submissions. Submitters provided
9 detailed information on the state of local alcohol markets in the countries with which
10 Australia was negotiating, including data on current levels of consumption, local production
11 of alcohol and the value of Australian exports to those markets. Emerging alcohol markets, in
12 particular, were seen as “obvious targets” [26] for an Australian alcohol industry looking to
13 “diversify its markets” [26], with opportunities to capitalise on “high economic growth and
14 large wealthy populations” [26]. This information about the state of markets in countries such
15 as China and Indonesia was often provided in submissions made at the commencement of
16 negotiations, and enabled submitters to provide trade negotiators with information about the
17 economic implications of the trade agreement in question.

18
19 Submitters, particularly those representing the wine industry, made claims that
20 perceptions of the health benefits of wine in places such as India, Indonesia, China and South
21 Korea, which are not traditionally wine drinking countries, were driving growth in these
22 markets. For example, concerning South Korea, submissions attributed a recent increase in
23 wine consumption to local media reports on health benefits, which were leading to a shift
24 from wine being “something to enjoy for a special occasion, to a beverage to enjoy every
25 day” [27]. While there may be limited health benefits of alcohol for some groups, these are
26 outweighed by the public health burdens [28], particularly if daily consumption is being
27 promoted.

28
29 The major focus of submissions was on the reduction or elimination of tariffs (taxes
30 applied at the border), with some submissions also seeking the reduction or elimination of
31 tariff-rate quotas (the amount of a product allowed to come into a country at the designated
32 tariff rate) to assist in levelling the playing field between domestic and imported products.
33 Submitters saw a clear role for Australian exports in growing the demand for, and supply of,
34 alcohol, which they argued would only be achieved with the reduction or elimination of

1 tariffs. Submitters highlighted that under current tariff arrangements in many countries,
2 Australian wine was significantly more expensive than in Australia, and significantly more
3 expensive than local traditional alcoholic beverages. Further, countries that had additional
4 state-level taxes on alcohol, such as India, resulted in further costs for exporters, which were
5 described by submitters as additionally discriminating against imported wine [29]

6
7 Submissions regarding agreements with Indonesia and Malaysia argued against
8 alcohol being exempt from tariff reduction commitments on religious grounds: “While
9 mindful of religious sensitivities, high tariffs is not an efficient nor defensible mechanism for
10 regulating wine imports, especially as there is a sizeable consumer market in Malaysia” [30].
11 Submissions argued that there were already sizeable domestic markets selling illicit alcohol
12 and, as such, these markets should be opened to international competition. Submitters argued
13 that Australian products would help meet the consumer demand not currently met by the
14 domestic market, resulting in benefits described in one submission in the following terms:
15 “the imported alcohol market [will be] further legitimised at the expense of
16 smuggled/counterfeit activity, the tax base will grow and support government revenue, and
17 there will be flow on effects on Indonesia’s tourism and hospitality industries and ...
18 Australian products will help grow the tax base, reduce counterfeit products and boost
19 tourism” [31].

20
21 A common approach by submitters was to highlight existing trade agreements which
22 were seen to preference other exporting countries over Australia. For example, the Australian
23 Wine and Brandy Corporation framed their call for tariff elimination in South Korea in the
24 context of the Republic of Korea-Chile and European-South Korea Free Trade Agreements
25 which have resulted in duty-free access, which they argued would disadvantage Australian
26 exporters [27].

27 *Harmonising regulation*

28 Submissions across all trade agreements argued for greater harmonisation of
29 regulatory standards. Submissions depicted existing national regulatory structures for wine
30 composition and labelling requirements as inefficient, for example calling for Indian
31 standards regarding compositional restrictions to be brought into line with international
32 norms [32].
33

1 Enmeshed in these arguments were calls for the standardisation of labelling, in
2 particular for countries to amend domestic regulation to enable supplementary labels. Despite
3 these supplementary labelling rules potentially undermining a government’s capacity to
4 mandate evidence-based alcohol labelling, submissions criticised India’s requirement for
5 principal pack display, again calling it contradictory to international norms such as Codex
6 Alimentarius [32], which is a set of internationally adopted food standards, guidelines and
7 codes [33]. Submissions called for the repeal of labelling requirements in South Korea that
8 exceed those prescribed by the Codex labelling standard [27], including, for example, the
9 requirement to label products for a specific distribution channel. As Codex Alimentarius
10 currently has no standards on alcohol warnings, standard drinks or alcohol content [11], this
11 would require South Korea to abandon its alcohol warnings, which cover cancer, damage to
12 the foetus and other harms [34]. In relation to the Malaysia-Australia FTA, submissions
13 called for establishing a technical forum to discuss labelling and the different requirements
14 between Malaysia and Australia.

15
16 The standards of the World Wine Trade Group, a group of government and industry
17 representatives from a number of wine-producing companies, were also raised. The
18 Winemakers’ Federation of Australia’s submission about the CPTPP called for the World
19 Wine Trade Group’s Memorandum of Understanding on Certification to be acknowledged in
20 the agreement, as a result of which there would be no requirements for certification between
21 participating countries [35].

22 23 *Reducing the burden of regulation*

24 Submissions across the FTAs argued that certification processes and custom
25 procedures are overly complex and opaque, and thus act as a barrier to trade. Submissions
26 took issue with the additional costs associated with paperwork and related procedures for
27 customs which the Australia-Indonesia Business Council called out as being “contrary to
28 good international practice” [36].

29
30 Submissions were also critical of the regulatory frameworks for labelling in countries
31 such as China and Indonesia, which they characterised as being burdensome on producers
32 and exporters. Concerning China, the Australian Wine and Brandy Corporation described the
33 ‘complex’ process for labelling – requiring labels to be examined, verified, approved and
34 registered before being printed – which they argued comes at a large cost to exporters [37].

1 Indonesia's 'complex and prohibitive regulatory frameworks' for food certification and
2 labelling were also described as a barrier to trade. The perceived delays in registering new
3 products and the fees involved were also flagged as impediments to Australian wine exports
4 into China, with the Australian Wine and Brandy Corporation calling for the removal of the
5 requirement to register new products [37]. Further, the Australian Wine and Brandy
6 Corporation called for removal of the requirement for Certificates of Origin in Korea in order
7 to reduce unnecessary duplication [27].

8 9 *Improving clarity and transparency*

10 Many submissions argued the lack of clarity and transparency around regulatory
11 processes acted as a barrier to trade. These types of claims generally referred to the
12 publication of clear and accessible information about applicable regulations. This was
13 particularly apparent in submissions about Australia's agreements with China and Indonesia.
14 As well as raising issues with the complexity of customs requirements, the Australia-
15 Indonesia Business Council's submission concerning the agreement between Australia and
16 Indonesia also identified a lack of transparency regarding customs procedures, with
17 information about the documentation required for the importation of wine difficult to obtain
18 and open to interpretation [36]. The Australia-Indonesia Business Council argued that
19 increased transparency regarding customs would facilitate a reduction in the costs associated
20 with trade [36].

21
22 The Australian Wine and Brandy Corporation raised the difficulties it had in obtaining
23 English copies of Chinese laws relating to wine (including analytical testing and labelling
24 requirements), despite China's accession to the WTO, which committed China to making
25 business laws and regulations publicly available [37]. The Australian Wine and Brandy
26 Corporation asked for rules around the publication of technical regulations to be included in
27 the China-Australia Free Trade Agreement, due to the perceived lack of transparency of
28 Chinese labelling laws [37].

29 30 *Preventing monopolies on product names*

31 Intellectual property was also high on the agenda in some submissions. Most
32 intellectual property concerns were centred on geographical indications, in particular in
33 submissions made to the Australia-EU FTA. Submitters warned that stronger protection of
34 geographical indications, which identify a product as originating from a specific locality

1 where a particular quality or characteristic is attributable to its geographical origin, would
2 disadvantage Australian producers. For example, a submission by Regional Development
3 Australia expressed concerns about considerable impediments to the growth opportunities for
4 the Australian market if Australian winemakers could no longer use the term ‘Prosecco’ [38].
5 Concerns around geographical indications were one of the few issues raised in submission
6 processes that related to the protection of the domestic alcohol industry.

7
8 Overall, submissions were firm in their demands around geographical indications,
9 arguing against adding additional protection for European traditional terms and seeking
10 specific wording in the intellectual property chapters of new FTAs to ensure that wine
11 geographical indicators were protected only at the level provided for under the World Trade
12 Organization’s Agreement on Trade-Related Aspects of Intellectual Property Rights [38, 39].

14 **Discussion**

15 In this study, we analysed submissions about how alcohol should be treated in FTAs
16 made to Australia’s trade negotiating authority, DFAT. These submissions were from alcohol
17 industry associations, alcohol industry producers, general business associations with alcohol
18 industry membership, and statutory bodies with responsibilities concerning alcohol. Overall,
19 the submissions suggest that these industry bodies are supportive of trade negotiations,
20 perceiving them as a vehicle for liberalising trade to increase alcohol exports from Australia
21 and reduce perceived barriers to trade. Submissions tended to be short and broad, focusing on
22 priority issues rather than specific legal rules. Industry submissions made no mention of the
23 negative health and social effects of alcohol consumption, yet claimed, contrary to growing
24 evidence, that drinking wine is beneficial for human health [40]. A large proportion (40%) of
25 submissions did not use evidence to support their arguments; of those which used evidence,
26 79% used industry data and 16% used anecdotal data. No submissions referenced public
27 health peer-reviewed literature.

28
29 Only a small number of alcohol industry associations and statutory bodies made
30 submissions, with the majority representing the wine industry. This may reflect the fact that,
31 although the alcohol industry is generally globalised and increasingly concentrated [4], the
32 Australian wine industry is far more geared to export than the beer and spirits industry. Many
33 submissions came from industry or business associations with broader membership. This was
34 a significant finding, as it speaks to the role of a range of actors in the alcohol policy-making

1 process and the importance of considering the role of actors beyond those traditionally
2 designated as the ‘alcohol industry’.

3

4 In line with previous research [14], the reduction or elimination of tariffs was found to
5 be a key priority for the alcohol industry and business associations. This was particularly the
6 case for negotiations with countries which were not already large Australian export markets;
7 in these cases, the highest priority was on reducing tariffs in order to assist Australian
8 products to break into those markets. There is an ongoing tension between the public health
9 objectives of regulating harmful commodities and the industry objective of reducing tariffs
10 [41]. Submitters’ arguments for tariff reductions were framed purely in terms of economic
11 gains through obtaining a greater share of the market. A recent study, however, demonstrated
12 that the introduction of new FTAs significantly increases trade in new alcohol products,
13 having the greatest impacts in countries where alcohol consumption is currently low [18].
14 This suggests that trade liberalisation contributes towards the diversification of alcoholic
15 beverages available, and may also increase the overall volume of alcohol available in a
16 country.

17

18 For countries where tariffs had already been reduced, the main focus of submissions
19 was on-harmonising regulation and seeking clarity and transparency in regulatory processes.
20 For harmonisation, a focus of submissions was on conforming to international standards such
21 as Codex Alimentarius, even though it includes no specific standards for alcohol and accepts
22 that alcohol may be excluded from general standards for foodstuff labelling [42]. As such,
23 industry was advocating for new FTAs to replicate existing inadequacies in the governance of
24 alcohol seen at the global level [43]. The impact of incorporating ‘lowest common
25 denominator’ standards into FTAs is felt at the domestic level, undermining governments’
26 abilities to regulate alcohol products and restricting mechanisms available to governments to
27 achieve public health goals [44].

28

29 Whilst other forums for harmonisation and rule-setting were mentioned, there was no one
30 forum or model which was consistently pointed to for guidance. Commonly mentioned
31 forums, such as the Asia-Pacific Economic Cooperation Wine Regulatory Forum and the
32 World Wine Trade Group are organisations where the alcohol industry often has a seat at the
33 table. This suggests that rules and norm development might be happening through
34 international forums outside of the context of specific trade agreements, with the industry

1 then asking government to incorporate these rules and norms into binding trade agreements
2 and to build on these precedents. For example, The Winemakers' Federation of Australia
3 called for a memorandum of understanding on certification developed through the World
4 Wine Trade Group to be used as a precedent in the CPTPP [35]. This also implies that
5 industry lobbying is likely to involve some coordination by industry across different forums,
6 including trade agreements.

7

8 With the alcohol industry invested in the outcomes of trade negotiations for its own
9 profitability, identifying and understanding the rules industry seeks, the arguments it
10 commonly makes, and the framing it adopts in relation to the negotiation of FTAs, is integral
11 to ensure the protection of public health. This is because the content of these trade
12 agreements also affects the Australian policy space and can limit options available to
13 Australian governments to reduce harm. Further, the economic gains to Australia through
14 increased imports will likely come at a cost to neighbouring countries, many of them being
15 low and middle-income countries which have rising burden of alcohol-related harms.

16

17 There are a number of public health implications of this study. Our analysis suggests
18 that public health experts need to pay attention to the negotiation of new FTAs and, if
19 necessary, develop counter frames and clear recommendations in their submissions to ensure
20 agreements do not create barriers for coherent health policies for alcohol. Our findings also
21 highlight the importance of increasing transparency in the policy development process, with
22 standardised forms of public consultation, the mandatory publication of submissions and a
23 register of meetings or other lobbying interactions related to trade negotiations. Further,
24 opportunities to limit alcohol lobbying should be explored.

25

26 There are a few limitations of this study which should be acknowledged. We were
27 only able to access publicly available submissions, and thus are unaware of the arguments
28 made by industry in private forums, which past studies have shown often influence
29 negotiations [45]. Submissions tended to be made early in the negotiating process or before
30 the commencement of negotiations, meaning that changes in industry priorities and demands
31 through the course of negotiations were not able to be observed, nor were the industry's
32 responses to specific proposals made during trade negotiations. Further research using a
33 wider range of documentary evidence supplemented with interviews, would provide more
34 information about the industry arguments and the influence exerted on trade policy. Another

1 limitation is that we only included submissions which were publicly available on the DFAT
2 website, and as such may have missed submissions which were not publicly available or
3 which may have not been posted online.

4
5 Our study highlights the key rules that industry has been calling on the Australian
6 Government to include in trade and investment agreements, as well as the arguments being
7 made by industry in support of the inclusion of these rules. The industry's key focus is
8 expanding global alcohol trade and alcohol exports from Australia and pursuing regulations
9 that are least trade restrictive, despite the public health evidence. Understanding the
10 industry's key asks and framing strategies used during trade agreement negotiations can assist
11 public health advocates in countering their arguments for specific trade rules, many of which
12 are detrimental to public health if implemented. Further research could analyse the content of
13 FTAs to determine the influence of industry submissions. It would also be beneficial to
14 research patterns of coordination of lobbying by industry groups in each country which is
15 participating in negotiations on a trade agreement.

16 17 **Acknowledgments**

18 We would like to acknowledge Dr Jenny Goodare for her useful feedback provided in the
19 early stages of drafting this paper.

20 21 **Conflict of interest**

22 None to declare.

23 24 **Supporting Information**

25 Additional Supporting Information may be found in the online version of this article at the
26 publisher's website:

27 Table S1. Content analysis 1.

28 Table S2. Content analysis 2.

29 Table S3. Content analysis 3.

30

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